

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

Comcast of Massachusetts I, Inc.,)	Case No.: 04-12472 DPW
)	
Plaintiff,)	PLAINTIFF'S REQUEST
)	FOR ENTRY OF DEFAULT
vs.)	
)	
Linda Silva)	
)	
Defendant)	
)	
)	
)	

Now comes the Plaintiff Comcast of Massachusetts I, Inc., (hereinafter "Comcast" or the "Plaintiff") in the above-entitled action and requests this Honorable Court to enter a default against Defendant Linda Silva (hereinafter the "Defendant"), in this action.

As reasons therefore, the Plaintiff states that Defendant has failed to appear, has failed to serve a responsive pleading, and has failed to otherwise defend against the Plaintiff's claims, pursuant to Rule 12 of the Fed. R. Civ. P.

WHEREFORE, the Plaintiff respectfully requests that this Honorable Court enter a default against the Defendant. The Affidavit of Plaintiff's Attorney reciting compliance with Rule 12 and Rule 55 of the Fed. R. Civ. P. is annexed hereto and made a part hereof.

Respectfully Submitted for the Plaintiff,
Comcast of Georgia/Massachusetts, Inc.
By Its Attorney,

1/12/05
Date

/s/ John M. McLaughlin
John M. McLaughlin
Green, Miles, Lipton & Fitz-Gibbon
77 Pleasant Street
P.O. 210
Northampton, MA 01061
Telephone: (413) 586-0865
BBO No. 556328

CERTIFICATE OF SERVICE

I, John M. McLaughlin, attorney for the Plaintiff, hereby certify that on the 12th day of January, 2005, a copy of the foregoing Request for Default was mailed first class to:

Linda Silva
28 Florence Street
Dracut, MA 01826

/s/ John M. McLaughlin
John M. McLaughlin, Esq.

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

Comcast of Massachusetts I, Inc.,

Case No.: 04-12472 DPW

Plaintiff,

**AFFIDAVIT OF ATTORNEY FOR
PLAINTIFF'S REQUEST
FOR DEFAULT**

VS.

Linda Silva

Defendant

Now comes John M. McLaughlin, Attorney for the Plaintiff in the above-entitled action,
and, on oath, states the following:

1. On November 23, 2004, the Plaintiff filed a Complaint against the Defendant, **Linda Silva**, in United States District Court, alleging violations of 47 U.S.C. § 553.
2. On December 13, 2004, the said Defendant was served by leaving at the Defendant's last and usual abode, by Deputy Sheriff Arthur Santos (see copy of Deputy Sheriff's Return of Service marked **Exhibit A**, attached hereto, and made a part hereof).
3. Pursuant to the provisions of Rule 12 of the Fed. R. Civ. P., the Defendant had twenty days after being served with the summons and complaint within which to serve an answer to Plaintiff's Complaint.
4. To date, the Defendant has failed and neglected to file an answer to Plaintiff's Complaint or to otherwise defend against Plaintiff's claims.

5. I have filed herewith an application for entry of default, with the request that a Notice of Default be entered by this Court.
6. I have attached a Form of Order entitled Notice of Default, for the Court's use if it shall determine that the said Defendant is in default.

Subscribed and sworn to, under the pains and penalties of perjury, this 12th day of January, 2005.

Respectfully Submitted for the Plaintiff,
By Its Attorney,

/s/ John M. McLaughlin
John M. McLaughlin
Green, Miles, Lipton & Fitz-Gibbon
77 Pleasant Street
P.O. 210
Northampton, MA 01061
Telephone: (413) 586-0865
BBO No. 556328

EXHIBIT A

AO 440 (Rev. 10/93) Summons in a Civil Action

UNITED STATES DISTRICT COURT

District of Massachusetts

Comcast of Massachusetts I, Inc.

SUMMONS IN A CIVIL CASE

V.

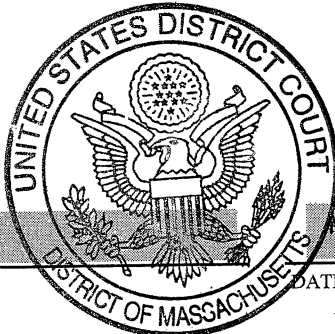
Linda Silva

04-12472 DPW
CASE NUMBER

TO: (Name and address of Defendant)

Linda Silva
28 Florence Street
Dracut, MA 01826**YOU ARE HEREBY SUMMONED** and required to serve upon PLAINTIFF'S ATTORNEY (name and address)John M. McLaughlin
Green, Miles, Lipton & Fitz-Gibbon
P.O. Box 210
77 Pleasant Street
Northampton, MA 01061-0210
(413) 586-8218

an answer to the complaint which is herewith served upon you, within twenty (20) days after service of this summons upon you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. You must also file your answer with the Clerk of this Court within a reasonable period of time after service.

**TONI ANASTAS**

CLERK

(By) *[Signature]* CLERK

NOV 23 2004

DATE



Middlesex Sheriff's Office • Civil Process Division, P.O. Box 7135, Lowell, MA 01852-0135 • (978) 452-3221
Middlesex, ss.

December 14, 2004

I hereby certify and return that on 12/13/2004 at 1:50PM I served a true and attested copy of the SUMMONS, COMPLAINT, CIVIL ACTION COVER SHEET, CORPORATE DISCLOSURE in this action in the following manner: To wit, by leaving at the last and usual place of abode of LINDA SILVA, , 24 SIDNEY Street Lowell, MA 01852 and by mailing 1st class to the above address on 12/14/2004. Attest (\$10.00), Basic Service Fee (\$20.00), Conveyance (\$0.90), Postage and Handling (\$3.00), Travel (\$16.00) Total Charges \$49.90

Arthur Lantoe
Deputy Sheriff

Deshaun Williams
Deputy Sheriff

STATEMENT OF SERVICE FEES

TRAVEL	SERVICES	TOTAL
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DECLARATION OF SERVER

I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Return of Service and Statement of Service Fees is true and correct.

Executed on

Date

Signature of Server

Address of Server

04641797

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

Comcast of Massachusetts I, Inc.,

Plaintiff,

VS.

Linda Silva,

Defendant

Case No.: 04-12472 DPW

ORDER FOR NOTICE OF REQUEST FOR DEFAULT

Upon application of the Plaintiff for an order of default for failure of the Defendant to plead or otherwise defend, as provided by Rule 55(a) of the Federal Rules of Civil Procedure, notice is hereby given that the Defendant has been DEFAULTED this _____ day of _____, _____.

BY THE COURT

Deputy Clerk